

SUPERIOR COURT OF ARIZONA
MARICOPA COUNTY

FC 2008-051443

05/18/2012

HONORABLE DANIELLE J. VIOLA

CLERK OF THE COURT
B. Lambert
Deputy

IN RE THE MARRIAGE OF
ANN MARIE SEWELL-SIMS

DOUGLAS G PARKER

AND

GREGORY M SIMS

GREGORY M SIMS
4615 N 22ND ST # 203
PHOENIX AZ 85016

MINUTE ENTRY

The Court has considered the testimony and evidence submitted during the evidentiary hearing on May 17, 2012 and makes the following findings and orders:

THE COURT FINDS that Mother is unable to consistently exercise parenting time on Wednesdays. Mother is a flight attendant and her schedule varies. Father has been exercising parenting time on Wednesday afternoons and evenings until Mother is able to pick up Noel or arrange to have him picked up from Father's home. The current orders allow Mother to pick up Noel during a window of time. The lack of specificity has resulted in continued conflict between the parties and uncertainty for Noel with respect to the schedule. Mother has arranged for third parties to pick up Noel from Father's home. Father has failed to cooperate in allowing Mother to exercise her parenting time.

THE COURT FINDS that Mother is proposing an eight hour window of time during which she should be allowed to pick up Noel from Father's home in order to exercise her parenting time on Wednesdays during the summer. Mother's proposal is convenient for Mother and serves her work schedule but it fails to address Noel's schedule and it fails to recognize any

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inconvenience that may result to Father. Mother's proposed schedule would require Father to arrange his schedule around Mother's work schedule and it would further limit Father's ability to plan anything for Noel and Noel's ability to plan anything for himself. The Court recognizes that Mother wishes to spend as much time with Noel as possible and that her proposal is intended to obtain that result. Given the high conflict nature of the relationship between Mother and Father, however, and the inability of Mother and Father to agree on issues related to Mother's schedule, a specific order is necessary. In order to provide consistency for Noel, and to limit further conflict, the parenting time schedule must not be subject to Mother's fluctuating schedule.

THE COURT FURTHER FINDS that Noel is of an age where he can walk home after school on Wednesdays and Mother has established that she can arrange for third parties to assist with care giving or transportation, if necessary.

IT IS ORDERED that Mother shall exercise her parenting time on Wednesdays as follows:

1. During the school year, Father shall return Noel to school on Wednesday morning and Noel shall return to Mother's home after school unless Mother makes other arrangements for Noel's care.
2. During the summer, Noel shall remain at Father's home on Wednesdays until 3:00 p.m. Mother shall pick up Noel from Father's home at 3:00 p.m. or make arrangements for a third party to pick up Noel from Father's home at 3:00 p.m. Mother shall notify Father at least 48 hours in advance via email as to any third party who will be picking up Noel from Father's home.
3. Father shall not interfere with Mother's parenting time and shall not interfere with Mother's selected third party from picking up Noel for Mother's parenting time.

IT IS FURTHER ORDERED that all parenting time exchanges shall occur curbside and Noel shall walk from the car to the house or from the house to the car.

IT IS FURTHER ORDERERED vacating that portion of the Decree that provides "Both parents shall be considered first as the caregiver of choice whenever possible."

If the parents are working well together, which Mother and Father are not, no such caregiver of choice order is necessary. If the parents are not working well together, no such order will work. In reality, each parent should consider allowing the other parent to care for the children when that parent is not available but given the high conflict between Mother and Father, this provision is not in Noel's best interest.

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IT IS FURTHER ORDERED that given the modifications set forth above to Mother's Wednesday parenting time, Mother is not required to provide Father with her work schedule.

IT IS FURTHER ORDERED each party shall pay his or her own attorneys' fees.

IT IS FURTHER ORDERED that all further disputes regarding custody or parenting time shall be addressed with the assigned parenting coordinator before any petition is filed with the Court.

FILED: Exhibit Worksheet and Exhibit Release Form

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.